

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**DEFENDANT’S ASSENTED TO MODIFICATION OF GOVERNMENT
PROPOSED GUILT-PHASE PRELIMINARY INSTRUCTIONS**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully files the following requested modification to the Government proposed guilt-phase preliminary instructions. The Government assents.

(1) Strike the following language from p. 3, third full paragraph under Rules for criminal case: “Since the defendant has the right to remain silent, and may choose whether to testify, you may not legally put any weight on a defendant’s choice not to testify.”

(2) Strike the following language from p. 3, first full paragraph under Indictment: “You will have a copy of the indictment during your deliberations. Right now, I will just summarize the charges.” Replace that language with “The indictment is not evidence.”

(3) Strike the following language from p. 4, just before Conduct of the Jury: “The defendant has pleaded not guilty to all of the charges.” This language should be replaced with “The defendant is presumed innocent of all charges, and the government

bears the burden of proving each and every element of the charges beyond a reasonable doubt.”

(4) The fourth line under Taking notes, p. 6 should read “When you leave the courtroom, your notes should be left on your chair.” (Correcting “you” to “your.”)

(5) Replace the second, third and fourth sentences under Course of the trial, p. 6 with “The parties will now proceed with opening statements.”

A marked up copy of the Government’s proposed draft is attached.

Respectfully submitted,

DZHOKHAR TSARNAEV
by his attorneys

/s/ Judy Clarke

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 2, 2015.

/s/ Judy Clarke